



A Publication of the
DEPARTMENT OF REGULATION AND LICENSING FOR PRIVATE DETECTIVES
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Licensing Statistics

The number of licenses and permit holders, as of April 18, 2000:

Private detective agencies:	650
Private detectives:	1,058
Private security permits:	9,932

Complaints Against Private Detectives

Complaint Statistics for 1999

Complaints Received - 14
Complaints Closed After Screening - 10
Complaints Closed After Investigation - 6
Complaints Closed With Formal Action - 0

Note: The number of complaints closed includes complaints prior to 1999.

PRIVATE DETECTIVE ADVISORY COMMITTEE

Members of the Committee:

Johnny Cash (Sun Prairie)
David S. Cihlar (Oshkosh)
James Gilboy (Hales Corners)
Robert F. Hoeg (Madison)
Paul C. Klumb (Chenequa)
James M. Krause (Menomonee Falls)
Karen Moreles (Milwaukee)
Edward J. O'Brien (Holmen)
Gary Peterson (Eau Claire)
John R. Schatzman (Milwaukee)
Steven T. Watson (Madison)

Administrative Staff:

Cletus J. Hansen, Division Administrator

Executive Staff:

Marlene A. Cummings, Secretary
William Conway, Deputy Secretary
Myra Shelton, Executive Assistant

Complaints Against Private Security Persons

Complaint Statistics for 1999

Complaints Received - 66
Complaints Closed After Screening - 9
Complaints Closed After Investigation - 41
Complaints Closed With Formal Action - 15

Note: The number of complaints closed includes complaints prior to 1999.

Private Detective Advisory Committee

The Committee had two meetings since the last issue of the Regulatory Digest was printed. The following items have been taken from the Committee's minutes.

John Schatzman shared information regarding his testimony before the Privacy Task Force on November 29, 1999, relating to "personally identifiable information," identity theft, what Wisconsin private detectives do, why they need access to this information and why the private detective industry will need an exemption, if there is to be a closing of doors to public records. Mr. Schatzman informed the

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Committee that two-thirds of the members of the task force indicated support of the private detective industry needing such an exemption.

Clete Hansen indicated that the department provides a list of licensees for a fee. Many agencies have provided post office box numbers for addresses, rather than actual street addresses, for safety reasons.

MOTION: John Schatzman moved, seconded by James Gilboy, to request that Secretary Marlene Cummings draft a letter to the Privacy Task Force, requesting their support in the consideration of exemption for licensed private detectives, in any legislation they develop regarding access to personally identifiable information. Motion carried unanimously. [Editor's note: The letter was sent.]

The Committee discussed the issue of people who obtain, for financial gain, and redistribute personally identifiable information, being required to obtain a private detective license.

MOTION: John Schatzman moved, seconded by James Gilboy, that the intent of the Committee is to protect the public in the dissemination of personally identifiable information for resale by unlicensed individuals and to continue to monitor the status of this practice. Motion carried unanimously.

Clete Hansen referred to his November 24, 1999, memo to Secretary Cummings regarding proposed rule changes. He indicated that Secretary Cummings concurred with the recommendations for issues to be addressed in rule making. Mr. Hansen informed the Committee that he included a provision recommended by the Private Detective Advisory Committee, relating to an exemption for having a written contract when contracting with an insurance company.

Clete Hansen distributed a rule draft and indicated a number of changes pertaining to certified firearms instructors. He informed the Committee that the Wisconsin Department of Justice is tightening up their criteria and as of next year will be removing from their list of

approved firearms anyone who does not provide firearms training to law enforcement officers. Language in the rule proposal has been crafted so as not to shut out people who are approved by DOJ but do not instruct law enforcement officers and will be removed from DOJ's approved firearms instructor list. The language will permit these people to get instruction from firearms instructors who are approved by DOJ.

Clete Hansen referred to 1999 AB 605 sponsored by Senator Dave Zien, that would allow any citizen to carry a concealed weapon if he or she meets the requirements. Mr. Hansen addressed the issue of pulling certain procedures out of this bill and putting them under a separate bill for private detectives.

Some members suggested that it would be a waste of time to try to specifically name circumstances in which they should be allowed to carry a concealed weapon. The committee felt that the Legislature should support the issue of private detectives carrying concealed weapons, since private detectives have the same initial training requirements as law enforcement officers, and must satisfy additional training requirements each year.

Some members suggested that the standards for private detective licensure must be raised.

Committee members discussed the pros and cons of the department issuing concealed carry permits.

Clete Hansen will draft a proposal indicating the conditions required to receive a permit to carry a concealed weapon, including training requirements, \$1,000,000 in insurance, and notifying the sheriff when a permit has been issued, taken away or expired. The draft will be included for discussion at the next Private Detective Advisory Committee meeting. Mr. Hansen suggested sending a copy of the proposed legislation to the President of the Professional Association of Wisconsin Licensed Investigators, asking what would be required to move the legislation forward and eliminate opposition.

Private Security Advisory Committee

The Private Security Advisory Committee has had two meetings since the last issue of the Regulatory Digest was prepared.

Secretary Marlene Cummings has appointed three new committee members: Byron Bishop, Dejustice Coleman, and Oconomowoc Chief of Police Hugh Martin.

The following paragraphs were taken from the Committee minutes:

Mike Moschkau, Director of the Crime Information Bureau in the Wisconsin Department of Justice, gave a one-hour presentation to the committee and answered questions posed by the members. He accessed the new CIB Web site at which criminal records checks may be performed and explained the procedures and the screens relating to records searches on the Web.

The Committee discussed several aspects of the current conditional permits being granted to private security persons and the fact that the Department would be able to grant permits more quickly if it had access to NCIC criminal records checks.

MOTION: Mark Kirch moved, seconded by Shawn Smith, to include a provision in the rules that will require private security persons to carry their private security permit and a firearms permit (if they are armed) with them when they are on duty. Motion carried unanimously.

The Committee discussed whether the rules should clarify whether peace officers, when working for a private security company, should be required to obtain a firearms permit from the Department. The primary issue discussed was the liability issue. Whose liability policy will cover the officer? A consensus on this issue was not reached and no motion was offered.

The Committee reviewed the recommendations of the Private Detective Advisory Committee, especially those pertaining to concealed carry by licensed private detectives. The Committee informally expressed agreement with these

recommendations and requested that more information be provided as this matter progresses.

The next meeting was scheduled for June 6, 2000, at 9:30 a.m.

Credential Holder Query

Marlene Cummings, Secretary of the Wisconsin Department of Regulation and Licensing (DORL), announced several weeks ago an expansion of credential verification services offered through the DORL web site.

Secretary Cummings said the department has added a feature at the department's web site (<http://www.drl.state.wi.us>) which will allow employers and members of the public to verify the status of professional credentials held by nearly 280,000 individuals.

Once the department's web site is accessed, users may click on "Credential Holder Query" and they will gain access to the department's credential data base where they can verify whether an individual holds a current license in any of the professions regulated by the department.

Giving employers and consumers the ability to directly access this information on the Internet makes it easier for the public to verify whether a person is entitled to practice a profession in Wisconsin," Cummings said. "It will also be an effective deterrent to efforts by any individuals to successfully misrepresent their credential status since anyone with a computer and internet access can quickly verify whether the credential is actually held by that individual," Cummings added.

Legislative Update

The 1999-2000 legislative session has ended for the passing of any bills.

Some of the legislative issues that we have discussed in the last few issues of the Regulatory Digest were developed by the Department and sent for drafting; however, they lost out to higher priority issues and did not receive legislative action. Therefore, we will have to wait until next year and try again.

The Department, with the advice of the Private Detective Advisory Committee and the Private Security Advisory Committee, was working on several proposals, such as requiring separate licenses for private detective agencies and private security companies, developing a 90-day temporary private security permit, and having private detective agencies renew in odd-numbered years and private detectives and private security permit holders renew in even-numbered years. Other issues have also been in the discussion stages, such as permitting licensees to carry concealed weapons under rigid conditions, pre-license and continuing education requirements and clarification of the meaning of "directly or indirectly employed by the state or a municipality" [See 440.26 (5) (b), Stats.]

Notice to Security Company Owners

There is some, but not total, overlapping of information in the Regulatory Digest for private detectives and the Regulatory Digest for private security persons. Be sure to read both of them.

Firearms Advisory Committee

The Firearms Committee has met two times since the last issue of the Regulatory Digest. The following paragraphs were taken from the committee minutes:

There is no State of Wisconsin Law Enforcement Standards Board (LESB) shotgun training. Most of the basic recruit schools do include 4 hours of familiarization training, but it has not been incorporated into the guide.

The National Rifle Association (NRA) does have a good 4-5 hour shotgun training course.

The question was raised as to what type of insurance is available for instructors. A Committee member said that the NRA has a \$500-a-year policy for NRA firearms instructors. The policy covers instructors for negligence, everything on the range and any training that is done.

The Committee discussed the qualification standards of the 6-hour refresher course. The

intent of the 6-hour course is to refresh and train in marksmanship, tactics, dim light firing and for multiple adversaries and moving targets. The concern of the committee is qualification, which is testing, not training. Committee members informally agreed that the 6-hour refresher course is working fine. Some agencies require the refresher course twice a year for their security persons.

One Committee member stressed that training in communication skills is very important. Security guards should attempt to talk a person into cooperating, rather than having to use physical force.

Cognitive skills is one of the biggest issues affecting liability -- when and why to shoot. Training should include deadly force principles and the force option continuum -- the full package from dialogue to deadly force.

Committee members agreed that the Firearms Manual of the Law Enforcement Training and Standards Board (LESB) is well done and has held up well in court. The Department of Regulation and Licensing should not consider writing its own manual. There are still a few problems with the dim light firing and moving targets, but the instructor is only as good as his imagination and he or she should be able to come up with solutions to approximate dim light firing.

Kirk Schneider indicated that there is an area in the manual that deals with a cognitive test for skills, tactics and mental preparation for a gunfight. The major part of the cognitive area on the exam is deadly force. At the end of firearms training, a full exam is given dealing with everything from tactics, to practical application, to the mental ability to understand the use of deadly force, and to force options. These skills are also reinforced in the DAT program. Psychological testing has never been mandated and is still controversial.

John Scepanski, Wisconsin Department of Justice (DOJ), addressed the issue of certified firearms instructors. He explained that DOJ is given the authority under sec. 165.85, Stats., to

perform the staff work for the LESB, which was also established under that section, as it relates to police officer certification in Wisconsin. The LESB tries to provide the best basic police officer recruit training possible. They have drafted a new administrative rule that took effect on November 1, 1999, that focuses on the 18 subjects of basic recruit training. The LESB will no longer certify anyone in SWAT training or DARE Officers. The key to LESB policy is that for basic police officer certification, the minimum that is to be taught is what is in the manual and then instructors are free to go beyond the manual as long as they do not contradict what is in the manual.

John Scepanski addressed certification of firearms instructors. He indicated that the goal of this certification is to provide enough competent firearms instructors to teach the recruits in the basic 400-hour training programs. Firearms instructors must have graduated from one of the LESB-certified firearms instructor courses. This is a departure from the past when certification from FBI and NRA instructor training was accepted. Clete Hansen clarified that to be certified by DRL to give training to private security people, a person has to be a NRA-certified or LESB-approved firearms instructor. Some people who are currently LESB-approved instructors will no longer be approved because they do not teach law enforcement officers. They will also no longer be approved by DRL, unless a third category is found. DRL could change its rule, stating a person will receive DRL instructor approval if he or she has received instructor training and refresher courses from one of the 8 LESB-approved regional schools.

At the present time, rules of the Department of Regulation and Licensing say a person has to be certified for every type of weapon that he or she uses when on duty as a private security person. It was recommended that the rule be changed to provide that if a person has had the required firearms training, the person can carry any legal firearm.

CONSENSUS: Change RL 34.04 (2) (a) 3. to read: "At any time on or after January 1, 1995,

was approved as a firearms instructor by the training and standards bureau in the Wisconsin department of justice or ~~certification~~ certified as a police and security firearms instructor by the national rifle association ~~or~~ and has completed a ~~4-hour~~ 6-hour firearms instructor refresher course within 12 months before application for approval by the department. The refresher course shall be presented by an individual who, ~~at the time the refresher course was presented, was currently approved or certified under subs. 1. and 2.~~ has successfully completed the firearms counselor course of the national rifle association or has completed a 6-hour refresher course for firearms instructors presented by a regional training school approved by the training and standards bureau in the Wisconsin Department of justice."

Administrative Rules Worth Reviewing

The following excerpts from s. RL 35.01, Wis. Admin. Code, list reasons for which a private detective or private detective agency may be disciplined:

- (6) Using false, misleading or deceptive advertising.
- (7) Advising any person to engage in an illegal act or course of conduct.
- (8) Violating state or federal law rules or regulations related to the care, handling or use of firearms or other dangerous weapons.
- (9) Violating any rule in chs. RL 30 to 35.
- (10) Employing any person who engages in any act or course of conduct for which the department may discipline a credential holder, if the employer knows or should know that the person is engaging or has engaged in the act or course of conduct.
- (11) Failing to maintain a bond or liability policy for the period of licensure as required by s. 440.26, Stats..

Department of Regulation and Licensing
Private Detective Section
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After dialing this number you may listen to a menu or you may immediately press one of the following extension numbers:

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Complaints Against Licensees	Press 12
Whether A Person is Licensed	Press 442
Application Processing & Requirements	Press 43
Changes of Employment	Press 43

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<http://badger.state.wi.us/agencies/drl/>
Send comments to dorl@drl.state.wi.us

Copies of Regulatory Digest on the Web

See the Web site listed above for past issues of the Regulatory Digest.

Wisconsin Statutes and Code

Copies of the Wisconsin Statutes and Administrative Rules Relating to the Practice of Private Detectives and Private Security Personnel can be ordered from the Department. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated April, 1998.

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